

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



August 9, 2007

ALL COUNTY INFORMATION NOTICE I-42-07

TO: ALL COUNTY WELFARE DIRECTORS
ALL FOOD STAMP COORDINATORS
ALL CalWORKs PROGRAM SPECIALISTS

REASON FOR THIS TRANSMITTAL

- ☐ State Law Change
- ☐ Federal Law or Regulation Change
- ☐ Court Order
- ☒ Clarification Requested by One or More Counties
- ☐ Initiated by CDSS

SUBJECT: FOOD STAMP QUESTIONS AND ANSWERS (Q&As)

The purpose of this letter is to provide counties with questions and answers regarding Food Stamp Program policy. These questions were submitted by the Food Stamp Review and Advisory Team (FRAT) of the County Welfare Director's Association. Answers were developed at the state level and finalized with assistance from FRAT members.

Answers to these questions are intended to be informational and are only based on the general circumstances provided in the question. For appropriate application to specific case circumstances, counties should refer to the regulations, All County Letters, and All County Information Notices that are referenced in the responses.

If you have any questions regarding the attached Q&As, please contact LeAnne Torres of the Policy Implementation Unit at (916) 654-2135.

Sincerely,

Original Document Signed By:

RIGHTON YEE, Chief
Food Stamp Branch

Attachment

CATEGORICAL ELIGIBILITY (CE) AND SPONSORED NONCITIZEN

SCENARIO:

The applicant is a Legal Permanent Resident (LPR) since 10/14/1999, and applied for CalWORKs and food stamps for herself and one U.S. born child. She has told the analyst that her stepfather sponsored her, but she could not provide any income or resource information. According to CalWORKs regulations, the applicant can be aided for up to 12 months without the sponsor information because the applicant is not refusing to provide requested verification, but the sponsor is. The applicant and U.S. born child are approved for CalWORKs and federal food stamps because of her five year LPR residency.

Note: If at the 12 month period, the applicant has not provided the sponsor information, she will not be eligible to the cash program.

QUESTION:

Because the household is defined as categorically eligible (CE) in accordance with MPP 63-301.7, can the applicant be aided on the food stamp case without providing sponsor information as mentioned in MPP 63-301.72 if the sponsor signed the new Affidavit of Support? "The eligibility factors which shall be accepted for food stamp eligibility without verification are the resource, gross and net income limits, social security number information, sponsored alien information, and residency."

ANSWER:

Yes. With the receipt of public assistance benefits for the household, the household would be considered CE, and the Food Stamp Program (FSP) would defer verification of sponsorship to the CalWORKs program. They can also be considered indigent noncitizens in the FSP and be exempted from sponsorship deeming per MPP 63-503.492(d) if the household's income does not exceed 130 percent of the poverty guideline. The food stamp exemption applies for a period of 12 months (as with CalWORKs), and is renewable for additional 12-month periods.

HOUSEHOLD CONCEPT – FOSTER CARE GRANDMOTHER LIVING WITH DAUGHTER

BACKGROUND:

The household consists of a 50 year old grandmother, who is the participant, and has custody of age 16 and 14 year old foster children. Also in the household is the 32 year old mother of the two foster children. The grandmother applied for food stamps for herself and the 32 year old mother of the children, exercising the option to exclude the foster care children and their income.

QUESTION:

- 1) MPP 63-402.341 states that “The following persons shall not be considered boarders: Parents living with their natural, adopted or step-children, or children living with their natural, adopted, or stepparents, even if one of the parents is elderly or disabled.” Are the children considered boarders, since their biological mother is living in the home with them?
- 2) Can the mother of the children claim a separate household status from the children and indicate on the application that she purchases and prepares separately from her minor children?

ANSWER:

- 1) Yes the children are considered boarders as PRWORA changed Food Stamp Program (FSP) household composition provisions (regulations were finalized on October 30, 2000). A foster child placed by a federal, state, or local governmental program in the private home of a relative, or other individual or family, shall be considered a boarder (MPP 63-402.141(a)). Foster children may participate as members of the household at the household’s request (MPP 63-402.322(b), ACIN I-73-04). In this situation, the grandmother elected to treat the foster children as boarders.
- 2) The adult daughter would be a separate household, unless she is purchasing and preparing food with the grandmother.

HOUSEHOLD CERTIFICATION – AID PAID PENDING (APP) OR TRANSITIONAL FOOD STAMPS (TFS)

BACKGROUND:

The client did not show for the recertification appointment. CalWORKs and food stamps were discontinued March 31st, a Saturday. The client requested a hearing, received a fair hearing date the first week in May, and was granted Aid Paid Pending beginning April 2nd (April 1st was a Sunday).

QUESTION:

1. In this situation, is it correct to issue TFS the first of the following month?
2. Was there a break-in-aid?

ANSWER:

1. No. CalWORKs and food stamps ended March 31st. If it was known to the county during the discontinuance month that a timely hearing request was filed, and granting aid paid pending (MPP 22-070, MPP 22-073, ACL 91-67) would occur April 2nd, then no eligibility for TFS exists, since APP will be paid. If the county is unaware of the household filing for APP in the discontinuance month, TFS should have been issued, even if one month of TFS was paid, and aid paid pending the hearing was paid afterward due to a hearing request.
2. No, there was not a break-in-aid. Aid paid pending the hearing was issued April 2nd for the full month of April, the first possible issuance date in April. As stated in ACIN I-21-04, there is not a specific timeframe for TFS to be approved; however, there should not be a break-in-aid between regular food stamps and TFS per MPP 63-504.132.

HOUSEHOLD CERTIFICATION – SANCTION AND TRANSITIONAL FOOD STAMPS

BACKGROUND:

On October 20, 2006, a CalWORKs/Food Stamp sanction was imposed upon the mother and father for not cooperating with Welfare-to-Work requirements. The worker imposed the sanction which was a concurrent sanction for food stamps on October 20th, and gave the client a 10-day notice for a decrease in benefits. That same night, a Notice of Action (NOA) for non-receipt of the QR-7 was issued. The client failed to provide the QR-7 by the extended filing date, so the case was discontinued. Transitional Food Stamps (TFS) were issued and effective November, 2006.

QUESTION:

Should the mother and father who were imposed a concurrent Welfare to Work sanction be part of the TFS case?

ANSWER:

Yes, the parents should receive TFS because they received CalWORKs and food stamps in the last month of eligibility. The sanction had not yet been imposed in the last month (October).

INCOME – CONTRIBUTIONS

BACKGROUND:

In ACL 06-31, an example is given that an uncle gives \$200 to the household to purchase new tires. The \$200 is not considered income when the verification for the tire expenditure verifies the contributor's intended purpose for the contribution.

QUESTION:

If the household does not produce a receipt as proof of the purchase of tires, would the contribution be considered income?

ANSWER:

The contribution would not be considered income as long as the household can provide some sort of verification that the money was intended for tires and was used to buy tires (MPP 63-502.2(q)(1)(J)). If the uncle provides a written statement saying the \$200 was for tires, that is considered sufficient verification. If the household can show that they now have new tires, that is also acceptable verification.

INCOME - CONTRIBUTIONS

SCENARIO:

A participant signed an affidavit stating that she received \$300 from a friend to pay a portion of her rent. Her total rent amount is \$700. A statement from the friend is on file stating that he contributed \$300 to the participant to pay her rent. The participant provided a rent receipt as verification that her rent of \$700 had been paid in full.

QUESTION:

1. Can contributions from someone outside the household be for any general purpose which includes shelter, utilities, telephone, childcare, etc? Would the household be allowed a shelter and/or utility expense or childcare deduction or would the contributions be considered vendor payments allowing only that portion of the expense that the household actually paid when computing the household food stamp allowance?
2. What if the contribution is ongoing?

ANSWER:

1. Yes, the contribution can be for any general purpose as long as it is used for the specified purpose. The contribution would be exempt as long as it is used for the specified purpose. [MPP 63-502.2(q)(1)(J), MPP 44-111.421(b)]. The household would be allowed to deduct the amount they paid toward the expense. MPP 63-503.254(QR)(c) states "Expenses shall only be deductible if the service is provided by someone outside the household and the household makes a money payment for the service.." In the scenario above, the household only spent \$400 of their own money on the rent. They would be able to claim \$400 as a shelter deduction, not the entire \$700. The contribution will not be counted as income. In addition, the contribution is exempt when there is verification that the money was used for the intended purpose. The verification can be a simple written statement from the contributor.
2. In the CalWORKs program, it does not make a difference if the contribution is ongoing. The Food Stamp program will follow the CalWORKs guidelines.

INCOME EXCLUSIONS – COLLEGE WORKSTUDY

QUESTION:

Prior to the Implementation of Food Stamp Simplification Options on November 1, 2006, CalWORKs College Work Study was counted as income in the Food Stamp Program if not used for educational purposes. Is CalWORKs work study now excluded in it's entirety as income?

ANSWER:

Yes. Per MPP 63-502.2(q)(1)(A) and ACL 06-31, all work study payments are excluded as income.